

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

LINDA DOUILLETTE

Plaintiff,

v.

UNIFIRST CORPORATION, A/D/B/A
UNICLEAN CLEANROOM
SERVICES,

Defendants.

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MDL No. 2419

Master Docket No. 1:13-md-02419-RWZ

Honorable Rya W. Zobel

SHORT FORM COMPLAINT
AGAINST UNAFFILIATED DEFENDANTS

Plaintiff, Linda Douillette, complaining against the Defendants, alleges as follows:

FIRST COUNT

1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Amended Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiff's Master Complaint, with attachments, and any and all amendments thereto.

2. Plaintiff Linda Douillette is a resident of the State of Rhode Island.

3. Plaintiff Linda Douillette brings this action:

☒ On behalf of herself.

☐ As the representative of _____, who is a living person.

☐ As the Administrator, Administrator ad Prosequendum, or other representative of the Estate of _____ (hereinafter "Decedent"), who died on _____

☐ Spouse

☐ Child/Children

☐ Other (Set forth) _____

4. Plaintiff Linda Douillette asserts that she was administered New England Compounding Pharmacy, Inc. ("NECC") drug Methylprednisone Acetate (hereinafter referred to as "NECC drug"), causing injuries and damages.

5. The aforesaid administration of the NECC drug occurred on: September 15, 2012, by Dr. Abdul Barakat, at Ocean State Pain Management, located in Woonsocket, Rhode Island.

6. Plaintiff adopts and incorporates by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

☒ COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)

☐ COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)

☐ COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)

Plaintiff(s) allege violation of the following consumer protection statute(s):

☐ COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)

☐ COUNT VII: BATTERY (Against Clinic Related Defendants)

- ☐ COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
- ☐ COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
- ☐ COUNT X: AGENCY (Against Clinic Related Defendants)
- ☐ COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
- ☐ COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
- ☐ COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
- ☒ COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

7. Plaintiff Linda Douillette claims to have suffered the following injuries as a result of the administration of NECC's drug: serious personal injuries and damages consisting of, but not limited to the following: emotional distress and upset, limitations in vocational, family and vocational activities, severe mental pain and anguish, inability to engage in many ordinary and customary activities, loss of enjoyment of life and a marked and permanent decrease in quality and enjoyment of life.

8. Plaintiff Linda Douillette claims to have suffered the following damages as a result of the administration of NECC's drug: past, present and future medical bills and expenses, past lost income, future lost income, loss of earning capacity and diminished work life expectancy, and all other damages recognized under law and statute.

WHEREFORE, Plaintiff demands Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff reserves the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

WHEREFORE, Plaintiff demands Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, cost of suit, and such further relief to be determined by a Jury and as the Court deems equitable and just.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

PLAINTIFF(S),

SHEFF LAW OFFICES, P.C.

/s/ Susan P. Groden

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Certificate of Service

I, Susan P. Groden, hereby certify that I served a copy of the foregoing document upon all counsel of record by causing a copy to be sent to them via the Electronic Filing System this 16th day of September 2014.

/s/ Susan P. Groden

Susan P. Groden